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VILMA SERRALTA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VILMA SERRALTA,
v.
SAKHAWAT KHAN; ROOMY KHAN; and
DOES ONE through TEN, inclusive,
Plaintiff,
Defendants.

) No. C 08-01427 CW
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)
)
JOINT SUBSEQUENT CASE
)
MANAGEMENT STATEMENT
)
)
)
[Civil L.R. 16-10(d)]
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Date: July 2, 2009
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Time: 2:00 p.m.
)
Ctrm: 2, 4th Floor (Oakland Division)
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Pursuant to Civil Local Rule 16-10(d), the parties jointly submit this Subsequent Case Management Statement.

1 Since the previous Subsequent Case Management Statement was filed on July 11, 2008
 2 [Docket No. 46],¹ this matter has generally progressed steadily toward the current trial date of
 3 October 5, 2009.²

4 Substantial discovery has taken place, including several rounds of written discovery
 5 and the depositions of the three named parties as well as those of several third-party witnesses
 6 expected to be called by Defendants at trial. Plaintiff has also disclosed four expert witnesses.
 7 Both fact and expert discovery have closed, with the exception of a number of matters that
 8 were the subject of May 27, 2009 orders of Magistrate Judge James [Docket Nos. 116, 117]
 9 granting Plaintiff's motions to compel with respect to the production of certain documents and
 10 the identification of certain third-party witnesses.³ The parties are working to resolve these
 11 matters as expeditiously as possible.

12 On November 18, 2008, Defendants' then-counsel, Wilson Sonsini Goodrich & Rosati
 13 LLP, moved to withdraw as counsel. [Docket Nos. 53, 54] The Court denied that motion
 14 without prejudice to its renewal subject to the resolution of certain outstanding discovery
 15 disputes [Docket No. 60], and subsequently granted a renewed motion to withdraw on January
 16 12, 2009. [Docket No. 67] Defendants' current counsel substituted in thereafter. [Docket No.
 17 74]

18 On April 13, 2009, Plaintiff filed motions to compel discovery and for related relief.
 19 [Docket Nos. 85-94] Those motions were denied without prejudice by Magistrate Judge
 20 Maria-Elena James, subject to refilling pursuant to her standing orders regarding discovery.
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22
 23 ¹ The parties incorporate this prior subsequent joint case management statement by
 24 reference.

25 ² The current trial date was fixed by the Court on January 30, 2009, when it ordered a 90-
 26 day enlargement of the initial case management schedule requested by Plaintiff.

27 ³ Plaintiff may seek leave to depose some of those witnesses inasmuch as the disputes
 28 over their identification arose prior to fact discovery cutoff.

1 [Docket No. 100] Plaintiff's motions to compel were subsequently granted by Judge James on
2 May 27, 2009. [Docket Nos. 116-17]

3 On April 29, 2009, Defendants' current counsel sought to withdraw from the case.

4 [Docket Nos. 101-103] The Court denied that motion without prejudice.¹ [Docket No. 118]

5 **Anticipated Motions**

6 Defendants' current counsel intends to renew its above-referenced motion to withdraw,
7 which the Court has indicated it will grant once those aforementioned discovery matters have
8 been resolved, and contingent upon Defendants' retaining substitute counsel or appearing
9 herein pro se. [Docket No. 118] Defendants retained counsel, Thomas Damien Pamilla, who
10 will appear in this matter upon the withdrawal of current counsel.

11 In addition, Plaintiff anticipates that she may file a motion for sanctions based on
12 apparent anomalies in certain documents produced by Defendants. With the above exceptions,
13 however, the parties do not currently anticipate the filing of any further motions, save pretrial
14 motions in limine.

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27 ¹ At that time, the Court ordered that Defendants themselves be served with all papers in
28 this matter, in addition to their counsel.

Settlement and ADR

At this time, the parties do not believe that the pursuit of alternative dispute resolution means would prove constructive, given the failure of a prior court-sponsored mediation conducted on August 26, 2008.

Dated: June 18, 2009

Respectfully submitted,

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DATED: June 10, 2009

HOGE, FENTON, JONES & APPEL, INC.

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